

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Danny Eugene Saunders,

Plaintiff

v.

Officer Hicks,

Defendant.

C/A. No. 5:15-4438-CMC

Opinion and Order

This matter is before the court on Plaintiff's *pro se* complaint filed pursuant to 42 U.S.C. §1983 on October 30, 2015. ECF No. 1. On January 18, 2017, this court denied Defendant's summary judgment motion on Plaintiff's excessive force claim against Defendant Hicks in his individual capacity, and set a pre-trial conference. ECF No. 75. The pre-trial conference was held on February 21, 2017, with Plaintiff in attendance by video conference. See ECF No. 83. A jury selection and trial date were scheduled for April 12 based on Plaintiff's advice of his impending release from the South Carolina Department of Corrections ("SCDC") on March 31, 2017. Plaintiff was ordered by the court to notify the court and counsel for Defendant of his home address (where mail could reach him after his release) by March 15, 2017. However, Plaintiff failed to contact the court or provide any change in address to the court or to counsel for Defendant. Therefore, the jury selection was canceled and Plaintiff notified if he failed to contact the court by May 2, 2017, this matter would be dismissed without prejudice for failure to prosecute.

Plaintiff has failed to contact the court in any way after the cancelled jury selection and previous order entered (ECF No. 94). It appears Plaintiff does not wish to pursue his claims in this matter. Therefore, this action is dismissed without prejudice.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
May 18, 2017